Marriage Licenses. Henry Lichtenberg and Edna Forlon John Meehan and Louise Rathsaur. nett Dawson and Emma Grandison.

Joseph Constand and Marie Bally. Charles Bogan and Amanda Peck. beodore Ethbert Myers and Grace Siddall. George Washington and Martha Mitchell, Charles Burbridge and Virgie Johnson. Fred Board and Nina A. Floyd, Andrew J. Shull and Minnie Delzell. harles Johnson and Lizzie Perry. Edward Spreng and Christena Heinrich. James Friddles and Ethel Moore.

Deaths.

J. B. Mick, 218 North Capitol, sixty-four years, ronic calcareous endo-carditis. Thomas N. Sherman, 539 South Senate, four years, dipatheria. Elizabeth A. Hadley, 301 North Illinois, sixty-Arthur Spicer, Indianapolis, one month and one-Nera Mobley, Indianapolis, two months, entero-

MONUMENTS.

MONUMENTS-A. DIENER, 449 E. Washington Tel. 2525. Branch works E. entrance Crown Hill MONUMENTS-M. H. Farrell, 241 West Wash-ington st. New 'Phone 2418.

FUNERAL DIRECTORS.

TUTEWILER & SON Indertakers, 125 W. Market st. Tel. 216. JOHNSON, HASSLER & GEORGE, 357 Massahusetts av. New 'Phone 963. Old Main 1439. PHANK A. BLANCHARD, Undertaker, 153 N. Delaware st. Lady attendant. Both 'Phones 41L

JOURNAL BUSINESS DIRECTORY.

No. 241 Mass. av., 228 N. Del. st. Tel. 840. MONUMENTS-LOUIS P. KRUMSHIELD; quality and skill. 212 East Ohio.

HORACE WOOD. (Carriages, Traps, Buck-boards, etc.) 25 Circle. Tel. 1007. THE PEERLESS FOUNDRY, 710-18 E. Mary-land, manufactures stove repairs and do repair-

WANTED-MALE HELP.

WANTED-Twenty laborers; steady work all winter. MECCA CLAY WORKS, Mecca, Ind. WANTED-Experienced stick candy puller, help-

WANTED-Manufacturer wants reliable man to liver and collect; horse and wagon and \$150 sit necessary; \$21 a week and expenses; per-ent. FRANKLIN, Box 73, Philadelphia, Pa. WANTED-Boys to work up Sunday Journal routes. Two cents' profit on every paper sold. Regular customers are easily obtained since the o-colored supplements have been added. One ar-page comic and one four-page home supple-mit—twice as many pages in color as any other mapolis paper furnishes. 36 to 40 pages Papers can be bought at the office or from any

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assett, 904 Massachusetts av.
Hoshour, 22d and College av.
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Coval, 1612 E. Washington. Vail, 1044 Virginia av. Neff, 1339 Sheiby. Neer, 940 S. Meridian.

alcott, New York and Bright.

WANTED-FEMALE HELP.

MILLINERY. WANTED-Young lady for office work; state age and salary expected. Address Box 41, care the

FOR SALE-REAL ESTATE. REAL ESTATE-You can purchase a home val-

ued at \$1,000 at a cost to you of \$2.25 per month; you can own it in ten years and five months; call and get particulars. THE UNITED LOAN AND INVESTMENT ASSN., 601 Stevenson.

FOR SALE-MISCELLANEOUS.

FOR SALE-Upright plano, \$60 cash; leaving city. 1406 East Tenth. FOR SALE-Barnum's sweet cider and cider vin-egar. 348 E. Market st. 'Phone, New 1941. FOR SALE-Typewriters: "Light Running Fox" and other leading makes; rentals, \$2.50 per month. G. M. MERRICK, Gen. Agt., 209-210 Law building. New phone 1278. FOR SALE-

A CARD LIKE THIS lay for one year costs but \$1.95 per Journal want page is profitable to ser and reader.

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NOTICE.

NOTICE-Joseph Gardner, 39 Kentucky avenue, furnaces, tin and slate roofs and puts ed fron tops on flues. Telephones 322.

at the very low rate of 5 cents a or dash lines at the same price per aone 238 and your ad, will be called

FINANCIAL.

FINANCIAL-Insure with FRANK SAWYER. INANCIAL-The Western & Southern Life Ins. Co., Cin'ti, O. H. T. HEAD, Supt., 415 New-ton Claypool Bldg. FINANCIAL— LOANS-Money on mortgages. C. F. SAYLES & CO., 127 East Market street.

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TAILORS Suits to order from \$15 up; pants to order from \$3.50 up; fit and workmanship guarrder from \$3.50 up; fit and workmanship guar teed. THE LONDON TAILOR, 303 Mass av.

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BUSINESS CHANCE.

BUSINESS CHANCE-I want a business man of ability and reference to handle my burgiar arm in this State; the patent has been inlarger cities; if handled right central police station, Indianapolis, or at Lorsine Hotel from 6 p. m. to 10 p. m.

LEGAL ADVERTISEMENTS. CLEVELAND, CINCINNATI, CHICAGO &

Stockholders' Meeting. The annual meeting of the stockholders of this ompany, for the election of directors, and to action upon the question of guaranteeing t. Louis Short Line Railway Company, in con-ideration of an operating contract over said lailway for the period of 200 years; Railway for the period of 399 years;
Also of guaranteeing \$2,000,000 of bonds of the
Central Indiana Railway Company;
Also of guaranteeing \$300,000 of bonds of the
Springfield Union Depot Company, the proceeds
to be used for the purpose of erecting a Union
Station and Passenger Depot at Springfield,

ST. LOUIS RAILWAY COMPANY.

And for such other business as may come be-bre the meeting, will be held at the office of the ompany, corner of Third and Smith streets, in incinnati. Ohio, on Wednesday, October 28, 1903, at 19 o'clock a. m. The stock transfer books will be closed at the office of Messrs. J. P. Morgan & Co., No. 27 Wall street, New York, at 3 o'clock p. m., Thursday, October 8, 1903, and reopen at 0 o'clock a. m. Friday, October 30, 1203. E. F. OSBORN, Secretary. Cincinnati, September 15th, 1903.

October.

'Tis now that spiders in the casement weave, Or launch their silken airships on the breeze; I'is now that honey-ripeness feeds the bees vine-born amber sweets their prison

And golden soheres their leafy heavens leave. same wind whispers through the orchard That blow our swallows over Southern seas. d stole the robin's vesper from our eye. he spirit of the year, like bacchant crowned. With lighted torch goes careless on his way: And soon bursts into flame the maple's spray, d vince are running fire along the ground. t softly! on October's blazing groun w laugh the violet eyes of tender May!

VANDALIA'S GOOD RECORD

RECEIVER MALOTT'S AUGUST RE- with headquarters in Kansas City, succeed- SENTENCED TO THE REFORMATORY PORT A SATISFACTORY ONE.

Annual Reports of the C., H. & D. Lines Show Favorable Results-Also the C., I. & W.

The report of Volney T. Malott, receiver of the Terre Haute & Indianapolis Railroad Company, for the month of August, 1903, filed in the United States Circuit Court,

Cash on hand July 31, 1903...... \$195,377.18 Receipts during August..... 910,423.80 Disbursements during August.... \$845,896.72 Cash on hand Aug. 31, 1903...... \$259,904.26 Receipts Nov. 14, 1896, to Aug. 31,

Disbursements Nov. 14, 1896, to husiness \$854,310.32 Disbursements account ante-receivership business 1,701,022.04

Excess disbursements settling ante-receivership business \$846,711.72 The result of the month's operations to the Terre Haute & Indianapolis Railroad Company, after charging up expenses, the month's proportion of taxes, and of interest on the company's bonds, the rental of leased lines, and of losses on leased lines was: Profit operating T. H. & I. R. R.\$61,988.70

Less two-sevenths loss operating St. L., V. & T. H. R. R.\$3,162.77 Less loss operating T. H. & P. R. R. 2,734.42-5,897.19

Profit accruing to T. H. & I. R. R. Co. for month.....\$57,816.51

C., H. & D. Annual Report.

The annual report of the Cincinnati, Hamilton & Dayton road, published in pamphlet form, has been received and goes into the results from operation of the road more fully than did the statistics of earners and runner on cream work to leave the ings, etc., published a few mornings since, Central, suggested the new departure. bave been \$7,997,222.92; operating expenses, \$5,595,534.42; net earnings, \$2,401,688.50. The road was operated during the year on 69.97 per cent. of the gross earnings. Earnings per passenger trains per mile increased from a percentage of 75.06 to 85.61; earnings per freight train mile increased 5.84. The | declared, payable March 10, 1904. transportation expenses of the past year have been very largely increased by the highmotives" this increase was \$112,095, or nearcent. This increase was largely caused by the additional excise taxes imposed by the last Legislature. The year's expenditure a solid train to San Francisco and become for maintenance of way and structures was a power in the traffic to the coast. \$784,621, an increase over previous year of \$40,446. Four hundred standard coal cars, thirty-five tons capacity, purchased at cost of \$251,066. One hundred and twelve sidelump coal cars, fifteen forty-foot flat cars, seven cabooses and one gravel spreader were built at Lima shops, costing \$76,771. The condition of the company's locomotive equipment has been materially improved during the year. Eight new locomotives, one parlor car and two coaches are under contract for delivery during October and November. The consolidation of the Cincinnati, Hamilton & Indianapolis Railroad Company with the Indiana, Decatur & Western Railway Company, forming the Cincinnatt, Indianapolis & Western Railway Company, was consummated as of Sept. 1, 1902. The Cincinnati, Indianapolis & Western Railway Company has also created a first and refunding mortgage authorizing the issue of \$8,200,000 of 4 per cent. bonds, of which \$4,500,000 have been issued and delivered to the Cincinnati, Hamilton & Dayton Railway Company, which lastnamed company undertook, in consideration therefor, the retirement of the outstanding \$2,500,000 of Cincinnati, Hamilton & Indianapolis first sevens (maturing Jan. 1903) and the \$2,000,000 of Cincinnati, Hamilton & Indianapolis general fives, thus making the new Cincinnati, Indianapolis &

In closing the report M. D. Woodford, "During almost the whole twelve months covered by this report the freight traffic of the system has taxed the existing equipment and facilities to their utmost capacity. Under these conditions large addiions thereto became indispensable, especially as to terminals and points of interchange. Further outlays of this character are now in progress or under consideration at Cincinnati, Toledo, Indianapolis, Hamilton, Wellston and other points. The company has suffered a severe loss during the rear in the death of one of the members of its board of directors, Mr. Robert C. Schenck, of Dayton, O. He has been for many years a member of the board, and as such has been a tower of strength to the company. The thanks of the board are ten-

dered to the officers and employes for their The annual meeting of the Cincinnati, Indianapolis & Western Railway (formerly the C., H. & I. and I., D. & W.) was held vesterday in the company's office in Inlianapolis. All of the stock was voted by George R. Balch and G. W. Lishawa, C., 71,158 shares voted, all for the following directors: M. D. Woodford, Cincinnati; W. A. Read, New York city; Gordon McDonald. New York city; Henry F. Shoemaker, New York city; George R. Balch, Cincinnati; G. G. Waldo, Cincinnati; John S. Lazarus, Indianapolis; W. C. Shoemaker, Connersville, and Eugene Zimmerman, Cincinnati.

Causes of the Freight Blockades. The reason for the blockade of the Van-

dalia yards at Terre Haute is made evident by the statement which shows that for the fiscal year which will close on Oct. 31 the million cars on all divisions at this pointand the Evansville & Terre Haute, but the the criticism for the shortage of coal in the central and northeastern sections of the State. Some coal is taken over the Michigan division to points in the gas belt.

Personal, Local and General Notes. The rate clerks of Indianapolis will hold a meeting to-morrow to revise rates on

H. L. Oliver has been appointed superintendent of the Belt road at Muncie, vice R. L. Scott resigned. The emigrant traffic troubles are to receive another airing at the conference in New York city, set for Wednesday, Oct. 28.

All Western lines are to be duly repre-H. C. Pinnegar has been appointed joint agent of the Lake Shore and Lake Erie & Western roads at Fort Wayne, vice C. F. Standard transferred. The change is made

effective to-day. Joseph Ramsey, president of the Wabash, attended the meeting of the company at Toledo on Wednesday and left Wednesday night for New York to confer with George Gould regarding Wabash affairs.

Vice President and General Manager Russell Harding, of the Missouri Pacific, left Thursday evening for Portland, Me. a short rest and will return via New York city to confer with President Gould. The annual report of the Chicago, Rock Island & Pacific shows that during the last year the company spent \$5,733,941 for new equipment, which included 167 locomotives.

56 passenger cars, 2,184 freight cars and 550 company cars. The theatrical business the present season is unusually heavy and several roads are troubled by a shortage of baggage cars to handle the stage scenery. The growth of this business during the pros-

perous times is demonstrated by the in-

creased requirements for carrying troupes and handling the baggage. J. C. Loverine, district passenger agent of the St. Louis & San Francisco, confirms the report that on Nov. 1 he will become assistant general passenger agent,

ing James F. Donahue. The Big Four and Lake Erie & Western jointly have purchased ground in Bloomington, Ill., for the erection of a union passenger station thereon. The deeds were filed on Thursday and work will begin He Killed a Waiter in an Indiana-

on the improvement at once. The Panhandle people are testing the D-16 type of passenger engine on their line. These engines have been used extensively on the Pennsylvania Railroad proper, and the officials are making an effort to secure a faster engine and one not as heavy as the big Atlantic type. That Chicago is eventually to be the

start nearly the entire fifth floor of the Western Union building. It is said an agreement has practically been made by which a large railroad system, believed to be the Wabash, is to acquire the proposed Binghamton & South ern Railway and the Broome County Railroad, another proposed line between Binghamton, N. Y., and Williamsport, Pa.

The new locomotives of the Cincinnati,

chased, gave them considerable trouble,

now that they are broken in, are proving excellent machines and doing fine service. Slight changes were made in them by Superintendent of Motive Power Corey. The Interstate-commerce Commission yesterday announced its decision of the apolication of the railroads for extension of time for compliance with the amended safety-appliance law, effective Sept. 1 last. By the decision the time is extended in various cases from Jan. 1 next to Sept. 1. It is officially announced that the Chicago, Cincinnati & Louisville will open its line the entire distance from Chicago to Cincinnati Nov. 15, and will at once begin

> W. W. Atterbury, general manager of conditions on that line toward its employes: "We laid off a number of men some time ago because we considered that the exigencies of the situation demanded it, but there is no immediate prospect of further

Members of the New York State Banking Association, with their wives, the party numbering 125, now en route to San Francisco to attend the American Bankers' Association, are served with 5 o'clock tea on the moving train. George H. Daniels, ing Railroad Company yesterday declared a general dividend of 11/2 per cent. on the payable Nov. 10. This is the first time in

been paid on the second preferred stock. The regular semi-annual dividend of 2 per cent. on the first preferred stock was also By the first of the year the Gould system have in operation between Chicago er prices paid for labor and material of all and Mexico City the only direct service by kinds. In the single item of "fuel for loco- rail. The Mexican service will be furnished by connection with the Mexican National ly 22 per cent. The amount of taxes paid which is making its line wide gauge from during the year increased \$40,387, or 17 per | Galveston, Tex. The Chicago, Burlington & Quincy, which aided in the construction of these two roads, will, it is expected, run

> In speaking of the reduction of the force of employes on Eastern lines, John P. Keith, superintendent of the Lehigh Valley road, said that the reduction made on the firts of last August is all that is practicable. The road is handling an immense amount of traffic, and all is in good working order to continue to do so. Rock ballasting has fust been completed over 328 miles of the double tracks between Buffalo and New York, and the remaining 119 miles are to be rock-ballasted as quickly as pos-

Addressing the annual convention of the Roadmasters' and Maintenance of Way Association at Kansas City, Mo., A. Morrison, of Pittsburg, Pa., advised his hearers to treat their men with consideration. "Give your men one day in seven to rest," said Mr. Morrison; "and let that day be Sunday. The company loses money on every man who does not rest one day in seven. Let the men spend Sundays with their families at home, and you will have better men. It is economy for the company and a kindness to the men. I have proved that it is possible, and you can devise means to accomplish it if you will only try." The convention adjourned to meet at St. Louis next September. Much speculation is being indulged in over the fact that James J. Hill, president Western 4 per cent, bonds an absolute first of the Great Northern Railroad Company and only lien upon the line from Hamilton and head of the Northern Securities Company, on Wednesday had a conference at Philadelphia with John G. Johnson, a prominent corporation lawyer, President Cassatt and Vice President Prevost lasting for more than half an hour. Mr. Hill was closeted alone with Mr. Cassatt. When questioned by newspaper men he said that the Pennsylvania was thoroughly able to could see no need for a new railroad for Philadelphia. On leaving Mr. Cassatt's office Mr. Hill went to Baltimore and there

met President Loree, of the Baltimore & Some of the employes of the Pennsylvania road at Altoona have for two or three years been persistently followed by certain collecting agencies of West Virginia, Missouri and Illinois, the peculiar laws of those States making it possible for persons residing there to sue for claims of Pennsylvania merchants against citizens of those States and then attach money in the hands of the rallroad company due to the employes who are sued. Over 1,500 employes have thus had their wages tied up, the sum total amount being over \$30,000. official of the Pennsylvania states that the pay department has been greatly annoyed H. & D., Railway officials, who had proxies by these proceedings. The officers of the the company from liability as garnishee and the money is now being paid over to the employes.

TOO MUCH OF A LOTTERY.

Mercantile Ventures in the Far East

Are Risky at the Present Time. NEW YORK, Oct. 15 .- At the annual meeting of the American Asiatic Associacompany will have handled more than a tion, to-day, President Webb called attention to the completion of the Pacific cable upward of ninety thousand a month. It has | and the signing of the new treaty with been the biggest year's freight business in | China, both events, he said, of great benefit the history of the road. The number of to the country. In connection with the Chinese situation he said that the attitude cars handled was 34 per cent. greater than of some of the European powers, Russia in 1896, when the road went into the hands in particular, should be at present a cause of a receiver. The increase in the year over of much solicitude, and he advised an emast year was fifty thousand cars. The phatic expression of views on this subject road hauled into Indianapolis, in September, | to the administration. The commercial situ-5 per cent. more coal than in September a ation, he thought, was generally disapyear ago, and 600 per cent, more than two pointing, the political uncertainties in Japan years ago, the big increase being due to the | tending to make merchants and financial failure of natural gas. The road is now interests cautious, while in China political taking to Indianapolis for consumption in confusion, combined with the advance in that city and for points beyond from 225 to silver, had made mercantile ventures too 250 cars of coal daily. It is not taking all much of a lottery for the careful investor. that is offered to it by the Southern Indiana The report of the secretary. John Foord The report of the secretary, John Foord, also laid emphasis on the Manchurian situfact that it is carrying nearly twice as ation, stating that, in defiance of agreemuch as a year ago relieves it of some of ment, the foreign administration of the port of New-Chwang, with all its injurious consequences to American trade, and the ocupation by Russia of the then Eastern provinces were still in force. "But beyond and above all considerations affecting the present or the future of American trade in Manchuria and in the eighteen provinces in China south of the great wall," the report continued, "is the larger question of the position of the United States as one of the great powers of the Pacific, with an interest in the development of its commerce closer and more vital than that of any other industrial nation."



POKER ITEM. A cold deck.

FOR MANSLAUGHTER.

Avenue Restaurant for Calling Him a Dude-Other Court Cases.

the murder of Clarence Butler in an Inheadquarters of the great Gould system is diana-avenue restaurant in July, 1902, yesevidenced in the fact that A. C. Bird, genterday withdrew his plea of guilty entered eral traffic director of the Gould system, is now located in that city, occupying at the in the Criminal Court some time ago, and pleaded guilty to a charge of manslaughter. He was sentenced to the Indiana Reformatory for a term of from two to twenty-

Bottoms went into the restaurant of William Kelly on Indiana avenue and ordered some ice cream of Butler, who was waiter there. When Butler returned with Hamilton & Dayton which, when first purthe order he called out "Hello, Dude." A quarrel started between Bottoms and the James A. Hays et al. Tipton C. C. Apwaiter and Butler attempted to draw a revolver, when Bottoms drew his revolver and killed Butler. It was upon the sug-gestion of his attorneys, John S. Duncan and Henry N. Spaan, that Bottoms pleaded guilty to manslaughter.

Suit Against Water Company. The suit of John Moore against the Indianapolis Water Company, asking for \$300 damages on account of a frozen pipe bursting in his house, was tried before a jury | Court. in Judge McMaster's court yesterday. The end of the line is being pushed and the plaintiff alleged that he notified the dework near Cincinnati will be completed this fendant on Nov. 10, 1902, that his double house was unoccupied and that he wanted the water shut off. The water company the Pennsylvania, said in regard to the failed to shut the water off and the pipes froze and burst, causing a great deal of damage to walls, cellings and floors. The case was argued in the afternoon and given to the jury late yesterday evening.

Decision in an Old Case.

The Supreme Court yesterday reversed a judgment in a case which has been before the court in different phases for twentyfive years. It is a suit in which Judge general passenger agent of the New York West, of Montgomery county, declined to make a speech to the people of Indianmandate the Clinton County Commissioners apolis. to require a railroad tax paid which Center township, Clinton county, voted many to say to you that the speech I had pre-The case has been in White and Montgomery counties in its different forms. The sion. Supreme Court sends the case back to the history of the road that a dividend has Montgomery county to be retried.

Must Pay for the Lot.

The Appellate Court has decided John C. McCleary must pay for a lot he contracted for in a "factory addition" at Warsaw. A subscription for the location of a canning factory was raised, the subscribers agreeing to take a lot in an addition laid out around the factory. The lots were to bring \$100 each. McCleary finding his lot was not worth the price refused to take it. The Appellate Court decides that he must pay the amount agreed on.

THE COURT RECORD.

SUPERIOR COURT. Room 1-John L. McMaster, Judge. James Robertson vs. John Bernhart; mechanic's lien. Dismissed by plaintiff. Costs

Ephraim Arnold et al. vs. Elam Crouch et al.; to quiet title. Submitted and evidence heard. Finding and decree quieting title to real estate described in complaint. Judgment against plaintiffs for costs. John Moore vs. Indianapolis Water Company; damages. Argument heard. Jury re-

Room 2-James M. Leathers, Judge. American Oil and Mining Company vs. S. A. Scott et al.; on account. On trial by jury. Evidence concluded. Argument heard.

Room 3-Vinson Carter, Judge. Courtney Williams vs. The City of Indianapolis; damages. Dismissed by plaintiff. Judgment against plaintiff for costs. Martin Sullivan vs. Charles R. Williams et al.; damages. On trial by jury.

CIRCUIT COURT. Henry Clay Allen, Judge. Eva Hansford vs. Charles Hansford. Defendant defaulted. Submitted to court. Finding for plaintiff. Decree of divorce, Plaintiff given custody of children, Rachel A. and Nellie C. Judgment against plaintiff for costs. Order forbidding marriage for two years. Jennie Harper vs. George C. Harper. Sub-

mitted to court. Finding for plaintiff. Decree of divorce. Maiden name of Jennie care for all the city through trade, and he | Toole restored. Judgment against defendant for costs. Maud Reaker vs. William Reaker. Submitted to court. Finding for plaintiff. Decree of divorce. Judgment against defendant for costs. Stella Willick vs. Nicholas Willick. Submitted to court. Finding for plaintiff. Decree of divorce. Maiden name of Stella Con-

over restored. Judgment against defendant for costs. Julia Ball vs. A. Ball. Dismissed at plain tiff's costs. CRIMINAL COURT.

Fremont Alford, Judge. Edward Bottom; murder. Defendant withdraws plea of not guilty and enters plea of guilty to manslaughter. Aged twenty-four years. Fined \$1. Imprisoned in the Indiana Reformatory from two to twenty-one years.

Mary Campbell vs. James R. Mills et al. partition. Superior Court, Room 1. James H. Spencer vs. Henry G. Dockwiler et al.; complaint on account. Circuit Lillian M. Miller vs. John C. Miller; divorce. Superior Court, Room 2. Walter Mellon vs. Emma Mellon; divorce.

HIGHER COURTS' RECORD.

Superior Court, Room 3.

SUPREME COURT. 19797. State ex rel. More vs. Board of Commissioners. Montgomery C. C. Reversed. Gillett, J.-Where, pursuant to an election, a tax is levied in aid of a railroad company, the Board of Commissioners may be compelled by mandamus proceedings to order the tax placed upon the duplicate for collection. 2. In a mandamus proceeding against a county it is sufficient to authorize the issuing of the writ when either the Board of County Commissioners, as such. or all of the members thereof are made parties. 3. And it is sufficient for the relator if he be a taxpayer at the time of the institution of such writ.

19876. Gwin vs. State of Indiana. Henry C. Affirmed. Monks, C. J .- 1. Where instructions are challenged as an entirety in an assignment of errors, the assignment is not effective if any of the instructions are correct. 2. It is not reversible error to refuse an instruction when the same has been given, only in other language. 3. A confession of crime to one not in authority at the office of a justice of the peace is admissible. 4. It is not error to overrule a motion to strike out evidence, after it has been admitted without objection. 19960. Boyd vs. Traction Company. C. C. Transferred to Appellate Court. 19962. Board of Commissioners vs. Davis. Tippecanoe S. C. Transferred to Appellate

Murdock vs. Traction Company Cass C. C. Transferred to Appellate Court. Logsdon vs. Dingg. Clay C. Transferred to Appellate Court. 19970. Northwestern, etc., Company vs. McKeen. Vigo C. C. Transferred to Appellate Court. 19971. Northwestern, etc., Company Kidder. Vigo C. C. Transferred to Appellate Court. 20053. Graham vs. Lot. Jennings C. C Transferred to Appellate Court.

20096. American, etc., Company vs. Gay.

Lawrence C. C. Transferred to Appellate

Court. APPELLATE COURT. McCleary vs Chipman. Kosciusko C. C. Affirmed, Robinson, C. J.-Where a subscription is made for a lot held in a trust capacity for an enterprise and the declaration of trust requires that the trustee shall make a deed when the lot is paid for it must be held to mean when paid for according to the terms of the subscription

4490. King vs. Fuel and Light Company. Shelby C. C. Affirmed. Comstock, P. J .-An exception to the conclusion of law upon the facts found admits the correctness of the facts as so found and when the conclusions of law therein are correct there is no reversible error. 4500. Gish vs. Board of Commissioners. St. Joseph C. C. Affirmed. Henley, J.-In an action against a county for medical

contract

BOTTOMS PLEADS GUILTY on falling to allege that the County Council had appropriated a sum for the payment of the claims, or had appropriated a sum for the payment of a class of claims under which the claimants would fall, is insufficient to withstand a demurrer. 4563. McGreggor vs. State ex rel. Gib son C. C. Reversed. Roby, J .- A county superintendent of public schools cannot bring an action on the relation of the State to enjoin a trustee from paying a person

for his services in teaching a public school, although such person had no license to 4902. Blair, etc., Company vs. National Bank. Hancock C. C. Appellant granted fifteen days additional time. 4849. Bush vs. German, etc., Association. Madison S. C. Motion to dismiss appeal overruled.

Edward Bottoms, colored, charged with Zerler. Laporte S. C. Transfer denied. 3624. Home, etc., Company vs. Collins. Elkhart C. C. Same. -Minutes .-4883. Chicago & Southeastern Railway Company et al. vs. James F. Grantham

> argument. 4950. Elmira J. Whitesell et al. vs. Elizabeth Strickler et al. Hancock C. C. Appellants' petition for oral argument. 4856. Phoenix Insurance Company, of Brooklyn, vs. Benjamin F. McAtee. Greene C. C. Appellant's reply brief (8.) 4873. Joshua S. Sisson et al. vs. Joseph Carothers et al. Vanderburg C. C. Appellants' brief (8) on cross errors.
> 4910. Henry C. Sellers, trustee, etc., vs. pellees' petition to withdraw cross errors.

-New Suits .-5002. Fred C. Boyd vs. L. R. M. Traction Company. Cass C. C. Transferred from Supreme Court. 5003. Board of Commissioners of Clinton County vs. Robert Davis. Tippecanoe S. C. Transferred from Supreme Court. 5004. Andrew J. Murdock vs. L. R. M. Traction Company. Cass C. C. Transferred from Supreme Court. Lawrence Logsdon vs. Peter Dingg. C. C. Transferred from Supreme

Northwestern Mutual Life Insur-Company vs. William R. McKeen. ance Vigo C. C. Transferred from Supreme Court. 5007. Northwestern Mutual Life Insurance Company vs. Kate Kidder. Vigo C. C. Transferred from Supreme Court. 5008. Elbridge G. Graham vs. Sarah A. Loh et al. Jennings C. C. Transferred from Supreme Court. 5009. American Quarries Company vs.

MAYOR SWORN IN.

from Supreme Court.

(CONCLUDED FROM FIRST PAGE.) that at high noon to-day I should again Admission - . 10 Cents

years ago. The amount involved is \$20,000. pared, owing to circumstances over which had no control, does not fit this occa-

"But I am here to repeat now what try to impress upon the people always, that I never quarrel with a man over politics, and that while I am a fair fighter and always willing to strike hard, I never wear brass knucks nor hit below the belt. I am only desirous of one thing and that is that my friend Holtzman shall have a successful administration. From this minute for two years he is just as much my mayor as he is your mayor. "I wish to thank those of you here who did your utmost to bring about a different result and to those who just as manfully and just as courageously and with just as high purpose fought for a different result. I have nothing in my heart but kindliness of feeling and that in the years to come, as I go about the streets labeled 'ex-mayor of Indianapolis,' you will dis-miss all bitterness as I have from my mind. I want to meet you all on the com-mon plane of citizenship."

FOGARTY AND HITZ. Then Mr. Bookwalter introduced the new city clerk as "My Friend Billy Fogarty." Mr. Fogarty did not make a speech. He simply said he would conduct the affairs of his office honestly and announced that he did not know who would be his deputy. As soon as Mr. Fogarty had finished Mr. Hitz was asked to make a speech. Mr. Hitz responded as follows: "Fellow-citizens-If I should undertake to make a speech at this time it would be similar to that ex-Mayor Bookwalter had

prepared to make. I was making my calculations that at high noon to-day I would be the new mayor of Indianapolis and you would have an independent mayor. feel that I am reconciled to the condition of things here to-day. "As a citizen of Indianapolis, I assure you I shall be a citizen under this administration, and do whatever I can to help conditions along in the next two years under the incoming mayor. I thank you." When the speechmaking was over Mr. Fogarty administered the oath of office to Mayor Holtzman. As soon as the ceremony was over Mr. Bookwalter grasped the new mayor's hand in such a friendly manner and congratulated him so sincerely and heartily that a great cheer went up from Democrats and Republicans alike. Then Mayor Holtzman began to receive congratulations. The people formed in a line and were received by Mr. Moltzman in the north

end of his private office. A great many wanted to shake hands with the mayor, and the reception lasted an hour. TAGGART WAS ON HAND. Ex-Mayor T. Taggart made his appearance about 12:30, after both Mr. Bookwalter and Mr. Holtzman had made their addresses and after Mr. Holtzman received the oath of office. He shook hands with Mr. Holtzman and then left the mayor's office. While Mr. Holtzman was receiving his friends in his private office Chairman Keach.

who is in the commission business, opened

two barrels of apples in the outer office,

and several boxes of cigars. Those in charge act was administering the oath of office to City Clerk Fogarty. Mr. Elliott announced that he has already accepted a position in Indianapolis, and that his salary began at | gan, stated yesterday that Judge Whallon | loon yesterday. Judge Whallon did not think it necessary to take a new oath of doubt. office, as he was sworn in but six months ago. Deputy William Kaiser will remain in the city clerk's office for a time Wednesday the clerks and deputies in the City Hall thought about getting ready to move out. Yesterday they began to get ready. Most of them, however, will remain in office a few days yet. Controller Dunn said yesterday afternoon that he had asked Deputy William Bogardus and the others of the force in the controller's office to contique with their work a few days longer. Mr. Dunn was not ready to announce his

appointments.

LIST TO CHOOSE FROM. Men Mentioned in Connection with

City Appointments. Following is a list of those talked of for the many appointive positions under the new administration, in addition to the men named above:

Board of Public Works-George Hitz. Prohibition candidate for mayor, minority member; Edgar A. Brown and Carl Von Hake. Board of Public Safety-Nelson J. Hyde for chairmanship; Charles Lavery, South Illinois-street tobacco merchant. Mr. Hyde was chairman of the Board of Safety under Taggart's last administration. For Deputy City Attorney-Charles Cox and Millard Cox. City Prosecutor in Police Court-Charles Pettijohn, defeated Democratic candidate for councilman at large. Superintendent of Police - Christian Kruger, Democratic captain. City Sanitarian-Dr. Wilmer F. Christian. police surgeon under the Taggart administration For Police Surgeon-Dr. B. M. Wylie and Dr. Charles Wright. Chief of Assessment Bureau-Michael Lahey, clerk in bureau under Taggart ad-

For Captain Kruger's place in police department if he is made superintendentbesk Sergeant John Corrigan and Sergeants John Boylan and Frank Giblin. Captain of Detectives-Jeremiah Kinney and Adolph Asch. Republican captain in police department to succeed Captain Martin Hyland-Calvin Warren, desk sergeant, and Charles Daw-

ministration

YOUNT WILL NOT CONTEST. Republican Candidate for City Clerk Will Abide by Official Count.

son, baliff of Police Court.

T. J. Yount, Republican candidate for city clerk, who was defeated by the narrow plurality of 86 votes, announced yesterday that he would not contest the election. "I was disposed to abide by the official count," he said last evening, "but I con-sulted several friends before I definitely deservices rendered a poor person at the re- suited several friends before I definitely dequest of a township trustee the complaint, cided that I would not file notice of a con-

AMUSEMENTS. PARK-2 B. M. | Thur., Fri. and Sat.-The Comedy Everybody Goes to the Park. "HEARTS ADRIFT" Prices - 10c, 20c, 30c

NEXT WEEK-Monday, "Way of the Transgressor."

SEALS, STENCILS AND STAMPS TEO JMAYER, SEALS, TO STENCILS, STAMPS

Thursday, "Price of Honor.

RAILROAD TIME CARD.

P.M. time is in BLACK figures. Trains marked thus: "Daily: S-Sleeper: P-Parlor Car; C-Chair Car; D-Dining Car; t-Except Sunday: I-Sunday only. 1Daily except Monday. BIG FOUR ROUTE. City Ticket Office, No. 1 East Washington St

CLEVELAND LINE. New York and Boston limited, d s 2.55

ST. LOUIS LINE "The World's Fair Route" St. Louis accommodation.
St. Louis southwestern, lim, d s.....
St. Louis limited, d s.....

Terre Haute and Mattoon accom... St. Louis express, s..... "Exposition Flyer".
CHICAGO LINE Kankakee accommodation.

Lafayette accommodation.

Chicago fast mail, d p.

Chicago White City special, d p..... Chicago night express. S. CINCINNATI LINE. ·12.05 Cincinnati, express, s.....

N. Vernon and Louisville ex...... PEORIA LINE.

Ohio special, d p........... CIN., HAM. & DAYTON RY. City Ticket Office, 8 & 10 N. III. St. Claypool Hotel. Decatur and Springfield express..... #8 00 Springfield and Decatur Ex. s c *11.10 CHI., IND. & LOUIS RY. Ticket Office, 8 & 10 N. III. St.

Lake Erie & Western R. R.

Toledo, Chicago and Michigan ex 17.15 *10.25 Toledo, Detroit and Chicago lim....*12.20 †3.25 Muncie, Lafay'te and Mich C'y spec. 17.25 †10.25 Trains Bun by Central Time mbus, Ind. and Louisville...... mbus, Ind. and Louisville...... mond, Piqua and Columbus, O... Logansport and Chicago...... Martinsville Accommodation. pencer and French Lick..... Pittsburg and East Phil. and New York, "The Limited'

Logansport and Chicago VANDALIA LINE. Western Express..... Terre Haute and Effingham Acc....

Green castle and Terre Haute INDIANA UNION TRACTION CO.

until 12 o'clock noon for delivery, same day, to all points between Indianapolls and Muncle; until 8 p. m. for delivery to all points before & o'clock next morning, including Muncle, Anderson, Alexandria, Elwood, Tipton and Marion. INDIANAPOLIS & EASTERN RY. CO.

GREENFIELD LINE. General offices, Franklin building. All care depart from Meridian and Georgia streets.

Time Table Effective Sept. 28, 1903. For Greenfield, Knightstown and intermediate that he will take the matter into the courts. The Sentinel, the Democratic organ, stated yesterday that Judge Whallon was elected beyond peradventure of a stations. Passenger cars leave: First car at 5:57 a. m. and each hour thereafter until 9:57 p. m. Next and last car leaves at 11:15 p. m. Combination passenger and express cars leave at 5:57 a. m., 7:57 a. m., 11:57 a. m., 3:57 p. m.

-Freight Cars -

Cars leave Indianapolis for Shelbyville and all diate stops from the corner of Was ton and Meridian streets on the following hours: 5, 6, 7, 8, 9, 10, 11 a. m., 12 o'clock noon and 1, 2, 3, 4, 5, 6, 7, 8, 9 and 11:20 p. m.

Cars leave Shelbyville for Indianapolis and all intermediate stops as follows: 4:57, 5:57, 6:57, 7:57, 8:57, 9:57, 10:57, 11:57 a. m. and 12:57, 1:57, 2:57, 3:57, 5:05, 5:57, 6:57, 7:57, 8:57 and 11:20 p. m. 2.57, 3:57, 5:05, 5:51, 6:51, 7:57, 8:57 and 11:20 p. m. Round-trip tickets, Indianapolis to Shelbyville, can be purchased at Huder's drug store, corner Washington and Pennsylvania streets, and at the Washington and Pennsylvania streets, and at the E. E. Ensley pharmacy, Stubbins Hotel block.

—Saturday and Sunday Special Schedule.—
On Saturday and Sunday, beginning at 5 a. m., acar will leave Indianapolis each half hour, excepting 5:30 and 9:30 a. m. and 1:30, 5:30 and 1:30 p. m. The last car leaves at midnight 11:30 p. m. The last car leaves at midnight.

RAPID TRANSIT CO. Waiting room and station, 47 Kentucky avenue.
First car leaves from in front of No. 47 Kentucky avenue for Martinsville and intermediate stations at 5:30 a. m. and every hour thereafter on the half-hour mark, until 6:30 p. m. The range of the half-hour mark, until 6:30 p. m. The range of the half-hour mark, until 6:30 p. m. The range of the half-hour mark, until 6:30 p. m. The range of the half-hour mark, until 6:30 p. m. The range of the half-hour mark, until 6:30 p. m. The range of t car leaves at 11:30 p. m., running to Martine-Leaving Martinsville for Indianapolis and in-Leaving Martinsville for Indianapolis and in-termediate stations, first car at 5:30 a. m. and every hour thereafter, on the forty-minute mark, until 6:40 p. m. The 7:40 p. m. car runs only to Mooresville, the 3:40 car to Indianapolis and the next and last car leaves at 16:40, running to In-Cars leave Mooresville for Indianapolis and Martinsville at 5:30 a. m.

Express car arrives at Indianapolis at 7:40

INDIANAPOLIS, COLUMBUS & SOUTH-

Passenger cars leave Pennsylvania and Washington streets for Southport, Greenwood, Whiteland, Franklin, Amity, Edinburg, Taylorsville and Columbus-First car at 6 a.m. and every bour thereafter until 10 p. m.; the lest car leaves at 11:15 p. m. For points south of Frank-lin take cars leaving at 6, 8 and 10 a. m., 18 poon, 2, 4, 8 and 11:15 p. m.

and 7:57 p. m.

For Greenfield and intermediate stations only, Arrive at 7:50 a. m. and leave at 9 a. m. Also arrive at 2:20 p. m. and leave at 3:30 p. m. INDIANAPOLIS, SHELBYVILLE & SOUTHEASTERN TRACTION CO.

Leaving Shelbyville the cars will run on the half hour, beginning at 4:27 a. m., excepting 7:27 and 11:27 a. m. and 2:27 and 7:27 p. m. Last car will leave Shelbyville at 11:32 p. m.

INDIANAPOLIS & MARTINSVILLE

g. m. and departs at 9:10 a. m.; also arrives at 1:48 p. m. and departs at 3:10 p. m. INDIANAPOLIS & NORTHWESTERS TRACTION CO.

General office, Lebanon, Ind. Indianapolic waiting room, ticket and freight office, 119 West Maryland street, Union block, Room 6. First car for Lebanon leaves Indianapolis at 6:00 a. m., arrives at Lebanon 7:10 a. m. and Frankfort 8 a. m., and every hour thereafter until 10 p. m. Last car for Lebanon leaves indianapolis at 11:15 p. m. First through car leaves Frankfort at 6:00 m., arriving at Indianapolis at 8:00 a. m., and every hour thereafter until 10:00 p. m. First car for Indianapolis leaves Lebanon at 5:44 a. m., arriving at Indianapolis 7:00 a. m.

ERN TRACTION CO.

Lieutenant Gilbert Chase, acceptance of Combination passenger and express car leaves corgia and Meridian streets for Greenwood only at 9:30 a. m. and 3:30 p. m.

AMUSEMENTS. & ENGLISH'S This Afternoon and To-Night TEL 1386. 15 EMERIDIAN ST GROUND ROOM Mr. F. C. Whitney Presents

MRS. LEMOYNE LADY BERINTHIA'S SECRET Prices- \$1.50, \$1.00, 75c, 50c, 25c. SATURDAY, Oct. 17--Mat. Night. Clinton C. C. Appellants' petition for oral

MARY SHAW

In Ibsen's Widely Discussed Drama, "GHOSTS" PRICES-\$1.50, \$1, 75c, 50c, 25c. Seats now selling Monday, Oct. 19 -- One Night Only. MRS. WIGGS OF THE CABBAGE PATCH

Prices-\$1.50, \$1, 75c, 50c, 25c. Seats now ready. GRAND -- Fashionable Vaudeville Robert Hilliard and Company MAX WALDON MR. AND MRS. WATROUS ANNA CALDWELL HARRY TOMSON THE BROWNING 3 WESTONSS

Matinees Daily, 10c, 20c and 25c. OD Wabash and EMPIRE THEATER Wabash and Delaware Sts. ONE WEEK ONLY Commencing Monday Matinee, October 12 TWO SHOWS DAILY Scribner's Gay Morning Glories

A Bevy of Pretty Girls and Comedians Prices of Admission-10c, 15c, 25c, 50c. Next Week-Moonlight Maids. Election Returns Tuesday by Special Wire. Telephone (1317) New. THE UNIQUE 130 E. Wash James Lay. Lawrence C. C. Transferred Refined Vaudeville and Up-to-Date Moving Pictures

> For UMBRELLAS and CANES ----GO TO----The Davis Umbrella Store

Recovering, Repairing and Made to Order

13 N. Pennsylvania St. 8 Doors North of Huder's.

HOURLY PERFORMANCES at 8, 8, 9 and 10 P. M.

Any Old Fuel will burn successfully in the genuine

Stoves-soft coal, siftings, slack, hard

coal, c.ke, cobs, etc. Why not

trade-marked

KEEP YOUR HOUSE WARM at a small cost? Jewel Stoves last

will satisfy you. Call and see Jewels. We recommend them.

just about as long as you would ex-

pect to keep a stove. Price-oh, we

CASH or PAYMENTS

Telephones-New, 509; Old, Main 509. test. I am satisfied with the result and It is estimated that there were protested Democratic and by many politicians that if the matter were taken into the courts a sufficient number of those ballots might be thrown out to

ber of those ballots might be thrown out to overcome Fogarty's plurality of 86 and give Mr. Yount the election by a narrow margin. However, Chairman Logsdon, of the Republican city committee, and other party leaders advised against a contest.

"It is for Mr. Yount to decide," said Mr. Logsdon, "and I have nothing to do with the matter. However, if I were the candidate there would be no contest. I am not a "contestor." When a man whips me I am ready to drop the thing."

Station, Magnolia building, corner Kentucky avenue and South Capitol.

For Anderson, Muncle, Marion, Alexandria, Elwood and Tipton and intermediate stations, leave 4:15 a. m. and each hour thereafter until 9:15 p. m. and II 15 p. m.

Limited trains for Anderson and Muncle, arriving in Anderson in 1 hour and 25 minutes and Muncle in 2 hours, leave at 8 and II a. m. and 5 p. m. trains make direct connection at Anderson with limited trains for Elwood.

Express Department — Consignments received ready to drop the thing.' As the election machinery was in control of the Republicans it is probable that the Republican candidates did not suffer in the

count and that Mr. Yount received the

benefit of the doubt in most instances. Under the circumstances it is not regarded as probable that a contest would result in a material change in the total vote for either Edward W. Little, the Democratic candi-Reformatory from two to twenty-one years.

Disfranchised two years.

New Suits Filed.—

Ceorge C. Toner vs. Philip P. Trautman et al.; foreclosure. Superior Court, Room 1.

Mary Campbell vs. James R. Mills et al.;

Mary Campbell vs. James R. Mills et al.;

And several boxes of cigars. Those in charge had little trouble in distributing their apples and cigars. Those in charge had little trouble in distributing their apples and cigars. Those in charge had little trouble in distributing their apples and cigars. Those in charge had little trouble in distributing their apples and cigars.

A short time before Mayor Holtzman took the official count gave Judge whallon a plurality of 385. It is known the city clerk's office. His last official that Mr. Little's friends have advised him that Mr. Lit

Pettijohn May Get It.

Charles C. Pettijohn, who in the late campaign was an unsuccessful candidate on the Democratic ticket for councilman at large, is to be appointed deputy city prosecutor under Henry Warrum, it is said. Mr Pettijohn is a rising young attorney, and while not long out of college, has been quite

-The Army.-

Sill, O. T., has been ordered to take com-

Major E. E. Gayle, artillery corps, at Fort

active in Democratic politics. ARMY AND NAVY ORDERS.

mand of the battalion of field artillery at Fort Ethan Allen, Vt. First Lieutenant George H. Richardson, assistant surgeon, has been granted leave of absence for forty days, Officers of the artillery corps have been assigned as follows: Captain H. C. Schumm. to the Twenty-ninth Battery; Captain J. F Howell, to the Seventy-sixth Company; Captain J. C. Goodfellow, to the Eighth Company; Captain W. R. Smith, to the Thirtieth Company; Captain J. T. Geary, to the artillery district of Narragansett Captain M. M. Mills, to the Sixty-second Company; Captain C. R. Lloyd, jr., to the Forty-sixth Company; Captain Edward Carpenter, to the Eighty-seventh Company: Captain O. L. Spaulding, jr., to the Seventyninth Company; Captain H. B. Black, to the One-hundred-and-sixth Company; Captains H. M. Marriam, W. S. Overton and C. D. Wilcox, to the unassigned list. First Lieutenant W. F. Truby, assistant surgeon, has been relieved from duty at Fort Ethan Allen, Vt., and ordered to Fort Preble, Me., relieving Major Charles B. Ewing, surgeon, who is ordered to Columbus barracks, Ohio, as the relief to Major Guy L. Edie, surgeon, who is ordered to duty in the Philippines.

-The Navy.-Lieutenant Commander S. S. Wood, from the Chicago to the Columbia as navigator. Lieutenant Commander J. L. Purcell from the army and navy hospital, Hot Springs, Ark., to his home and await Lieutenant R. Earle, from the Yankee to the Missouri. Lieutenant H. C. Kuenzli, from the Essex to the Yankee.

Midshipman W. R. Raudenbush, from the

Essex to the Scorpion.

Midshipman W. L. Pryor, from the Chi

cago to the Eagle. L. J. Wallace has been appointed an en sign in the navy. Surgeon W. F. Arnold, from treatment at the naval hospital, navy yard, Mare California, and granted nonths' sick leave Lieutenant F. Marbel, to additional duty as aid to Admiral Dewey.

resignation has been revoked. Please look at Mrs. Austin's New Dress.